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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-625

13 **CATHERINE BORDEN, AKA**
14 **CATHERINE A. BORDEN, AKA**
15 **CATHERINE ANNE O'CONNOR**
24998 Highway 44
16 Millville, Ca 96062

A C C U S A T I O N

17 4622 Lock Road
18 Centerburg, OH 43011

Registered Nurse License No. 632578

Respondent.

19
20 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the Executive
23 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

24 **Registered Nurse License**

25 2. On or about February 18, 2004, the Board issued Registered Nurse License Number
26 632578 to Catherine Borden, also known as Catherine A. Borden, and Catherine Anne O'Connor
27 ("Respondent"). The Registered Nurse License expired on June 30, 2007, and has not been
28 renewed.

1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
3 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
4 license, for any reason provided in Article 3 (commencing with Code section 2750) of the
5 Nursing Practice Act.

6 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
8 period within which the license may be renewed, restored, reissued, or reinstated.

9 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
10 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
11 to render a decision imposing discipline on the license.

12 **STATUTORY PROVISIONS**

13 6. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or licensed nurse or
15 deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the
17 following:

18 (4) Denial of licensure, revocation, suspension, restriction, or any other
19 disciplinary action against a health care professional license or certificate by another
20 state or territory of the United States, by any other government agency, or by another
21 California health care professional licensing board. A certified copy of the decision
22 or judgment shall be conclusive evidence of that action.

23 **COST RECOVERY**

24 7. Code section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

28 **CAUSE FOR DISCIPLINE**

(Out-of-State Discipline)

8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
on the grounds of unprofessional conduct, in that effective March 18, 2011, in a disciplinary

1 action entitled *In the Matter of Catherine A. Borden, R.N.*, Case No. 09-5076, pursuant to *Order*
2 *No. 2094* (attached hereto as **Exhibit A** and incorporated herein by reference), the Ohio Board of
3 Nursing permanently revoked Respondent's registered nurse license in the State of Ohio. The
4 basis of such action is that beginning in or around August 2005 until in or around October 2009,
5 while providing home health nursing care to "Patient A" and "Patient B", Respondent provided
6 them with transportation, made their car payments, purchased their prescriptions and groceries
7 when they were financially unable, and took them to breakfast, thus engaging them in a manner
8 that breached Respondent's professional boundaries with her patients. Respondent was knowingly
9 named executor and beneficiary in the Last Wills and Testaments of Patient A and Patient B and,
10 in January 2009, Respondent accepted appointment as their Durable Power of Attorney, enabling
11 her to misappropriate their property or to obtain personal gain at their expense.

12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 632578, issued to
16 Catherine Borden, also known as Catherine A. Borden, and Catherine Anne O'Connor;
17 2. Ordering Catherine Borden, also known as Catherine A. Borden, and Catherine Anne
18 O'Connor, to pay the Board of Registered Nursing the reasonable costs of the investigation and
19 enforcement of this case, pursuant to Code section 125.3; and,
20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: February 19, 2013 for Stacie Ben
23 LOUISE R. BAILEY, M.ED., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 State of California
27 Complainant
28

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EXHIBIT A

Order No. 2094

In the Matter of Catherine A. Borden, R.N., Case No. 09-5076

Ohio Board of Nursing



Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

BEFORE THE OHIO BOARD OF NURSING

IN THE MATTER OF:

ORDER: 2094

CATHERINE A. BORDEN, R.N.

CASE #09-5076

ORDER

By letter, dated August 2, 2010, notice was given to CATHERINE A. BORDEN, R.N. that the Ohio Board of Nursing intended to consider disciplinary action regarding MS. BORDEN'S license to practice nursing as a registered nurse in the State of Ohio, and that MS. BORDEN was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice.

In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of MS. BORDEN.

No hearing request has been received from MS. BORDEN and more than thirty (30) days have now elapsed since the mailing of the notice.

Upon consideration of the charges stated against CATHERINE A. BORDEN in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that MS. BORDEN has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that MS. BORDEN'S license to practice nursing as a registered nurse is hereby PERMANENTLY REVOKED.

The Board further Orders CATHERINE A. BORDEN to surrender her frameable wall certificate for her registered nurse license, R.N. #194729, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

NOTIFIED TO DEATH BY 3074

Paul E. Henshaw
CLINICAL BOARD OF NURSING

5/31/2012

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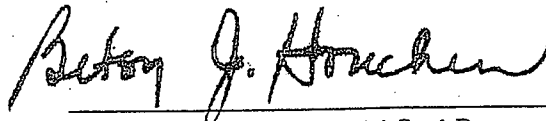
TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the Ohio Board of Nursing, 17 S. High St., Ste 400, Columbus OH 43215-7410, setting forth the order appealed from and the grounds of the party's appeal. A copy of such Notice of Appeal shall also be filed by the appellant with the Franklin County Court of Common Pleas, Columbus, Ohio. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of the Ohio Board of Nursing's Order as provided in Section 119.12 of the Ohio Revised Code.

CERTIFICATION

The State of Ohio
County of Franklin

I, the undersigned Betsy J. Houchen, Executive Director for the Ohio Board of Nursing, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Board of Nursing entered on its journal, on the 18th day of March, 2011.



Betsy J. Houchen, R.N., M.S., J.D.
Executive Director

March 18, 2011

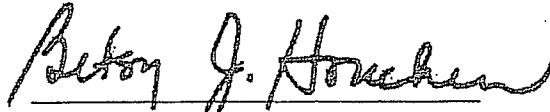
Date

(SEAL)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Order, concerning **CATHERINE A. BORDEN**, was sent via certified mail, return receipt requested, this 29th day of March, 2011 to **CATHERINE A. BORDEN**, 4622 Lock Road, Centerburg, Ohio, 43011.

I also certify that a copy of the same was sent via regular U.S. mail this 29th day of March, 2011 to Lamont Pugh, SAC, Sanctions & Exclusions, Department of Health and Human Services, Office of Inspector General, Office of Investigations, PO Box 81020, Chicago IL 60601-81020.


Betsy J. Houchen, R.N., M.S., J.D.
Executive Director

bal

cc: Melissa L. Wilburn, Assistant Attorney General

Certified Mail Receipt No. 7011 0110 0001 5992 5460